



# Senate

General Assembly

**File No. 258**

February Session, 2008

Substitute Senate Bill No. 368

*Senate, March 31, 2008*

The Committee on Energy and Technology reported through SEN. FONFARA, J. of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THERMAL ENERGY TRANSPORTATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-1 of the 2008 supplement to the general statutes  
2 is repealed and the following is substituted in lieu thereof (*Effective*  
3 *from passage*):

4 (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a  
5 and 245b\* shall be construed as follows, unless another meaning is  
6 expressed or is clearly apparent from the language or context:

7 (1) "Authority" means the Public Utilities Control Authority and  
8 "department" means the Department of Public Utility Control;

9 (2) "Commissioner" means a member of said authority;

10 (3) "Commissioner of Transportation" means the Commissioner of  
11 Transportation appointed under section 13b-3;

12 (4) "Public service company" includes electric, electric distribution,  
13 gas, telephone, telegraph, pipeline, sewage, water, steam  
14 transportation and community antenna television companies and  
15 holders of a certificate of cable franchise authority, owning, leasing,  
16 maintaining, operating, managing or controlling plants or parts of  
17 plants or equipment, and all express companies having special  
18 privileges on railroads within this state, but shall not include telegraph  
19 company functions concerning intrastate money order service, towns,  
20 cities, boroughs, any municipal corporation or department thereof,  
21 whether separately incorporated or not, a private power producer, as  
22 defined in section 16-243b, or an exempt wholesale generator, as  
23 defined in 15 USC 79z-5a;

24 (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,  
25 poles, wires and other fixed or stationary construction and equipment,  
26 wherever located, used in the conduct of the business of the company;

27 (6) "Railroad company" includes every person owning, leasing,  
28 maintaining, operating, managing or controlling any railroad, or any  
29 cars or other equipment employed thereon or in connection therewith,  
30 for public or general use within this state;

31 (7) "Street railway company" includes every person owning, leasing,  
32 maintaining, operating, managing or controlling any street railway, or  
33 any cars or other equipment employed thereon or in connection  
34 therewith, for public or general use within this state;

35 (8) "Electric company" includes, until an electric company has been  
36 unbundled in accordance with the provisions of section 16-244e of the  
37 2008 supplement to the general statutes, every person owning, leasing,  
38 maintaining, operating, managing or controlling poles, wires, conduits  
39 or other fixtures, along public highways or streets, for the transmission  
40 or distribution of electric current for sale for light, heat or power  
41 within this state, or, engaged in generating electricity to be so  
42 transmitted or distributed for such purpose, but shall not include (A) a  
43 private power producer, as defined in section 16-243b, (B) an exempt  
44 wholesale generator, as defined in 15 USC 79z-5a, (C) a municipal

45 electric utility established under chapter 101, (D) a municipal electric  
46 energy cooperative established under chapter 101a, (E) an electric  
47 cooperative established under chapter 597, or (F) any other electric  
48 utility owned, leased, maintained, operated, managed or controlled by  
49 any unit of local government under any general statute or any public  
50 or special act;

51 (9) "Gas company" includes every person owning, leasing,  
52 maintaining, operating, managing or controlling mains, pipes or other  
53 fixtures, in public highways or streets, for the transmission or  
54 distribution of gas for sale for heat or power within this state, or  
55 engaged in the manufacture of gas to be so transmitted or distributed  
56 for such purpose, but shall not include a person manufacturing gas  
57 through the use of a biomass gasification plant provided such person  
58 does not own, lease, maintain, operate, manage or control mains, pipes  
59 or other fixtures in public highways or streets, a municipal gas utility  
60 established under chapter 101 or any other gas utility owned, leased,  
61 maintained, operated, managed or controlled by any unit of local  
62 government under any general statute or any public or special act;

63 (10) "Water company" includes every person owning, leasing,  
64 maintaining, operating, managing or controlling any pond, lake,  
65 reservoir, stream, well or distributing plant or system employed for  
66 the purpose of supplying water to fifty or more consumers. A water  
67 company does not include homeowners, condominium associations  
68 providing water only to their members, homeowners associations  
69 providing water to customers at least eighty per cent of whom are  
70 members of such associations, a municipal waterworks system  
71 established under chapter 102, a district, metropolitan district,  
72 municipal district or special services district established under chapter  
73 105, chapter 105a or any other general statute or any public or special  
74 act which is authorized to supply water, or any other waterworks  
75 system owned, leased, maintained, operated, managed or controlled  
76 by any unit of local government under any general statute or any  
77 public or special act;

78 (11) "Consumer" means any private dwelling, boardinghouse,  
79 apartment, store, office building, institution, mechanical or  
80 manufacturing establishment or other place of business or industry to  
81 which water is supplied by a water company;

82 (12) "Sewage company" includes every person owning, leasing,  
83 maintaining, operating, managing or controlling, for general use in any  
84 town, city or borough, or portion thereof, in this state, sewage disposal  
85 facilities which discharge treated effluent into any waterway of this  
86 state;

87 (13) "Pipeline company" includes every person owning, leasing,  
88 maintaining, operating, managing or controlling mains, pipes or other  
89 fixtures through, over, across or under any public land, water,  
90 parkways, highways, parks or public grounds for the transportation,  
91 transmission or distribution of petroleum products for hire within this  
92 state;

93 (14) "Community antenna television company" includes every  
94 person owning, leasing, maintaining, operating, managing or  
95 controlling a community antenna television system, in, under or over  
96 any public street or highway, for the purpose of providing community  
97 antenna television service for hire and shall include any municipality  
98 which owns or operates one or more plants for the manufacture or  
99 distribution of electricity pursuant to section 7-213 or any special act  
100 and seeks to obtain or obtains a certificate of public convenience and  
101 necessity to construct or operate a community antenna television  
102 system pursuant to section 16-331 of the 2008 supplement to the  
103 general statutes or a certificate of cable franchise authority pursuant to  
104 section 16-331q of the 2008 supplement to the general statutes.  
105 "Community antenna television company" does not include a certified  
106 competitive video service provider;

107 (15) "Community antenna television service" means (A) the one-way  
108 transmission to subscribers of video programming or information that  
109 a community antenna television company makes available to all  
110 subscribers generally, and subscriber interaction, if any, which is

111 required for the selection of such video programming or information,  
112 and (B) noncable communications service. "Community antenna  
113 television service" does not include video service provided by a  
114 certified competitive video service provider;

115 (16) "Community antenna television system" means a facility,  
116 consisting of a set of closed transmission paths and associated signal  
117 generation, reception and control equipment that is designed to  
118 provide community antenna television service which includes video  
119 programming and which is provided in, under or over any public  
120 street or highway, for hire, to multiple subscribers within a franchise,  
121 but such term does not include (A) a facility that serves only to  
122 retransmit the television signals of one or more television broadcast  
123 stations; (B) a facility that serves only subscribers in one or more  
124 multiple unit dwellings under common ownership, control or  
125 management, unless such facility is located in, under or over a public  
126 street or highway; (C) a facility of a common carrier which is subject, in  
127 whole or in part, to the provisions of Subchapter II of Chapter 5 of the  
128 Communications Act of 1934, 47 USC 201 et seq., as amended, except  
129 that such facility shall be considered a community antenna television  
130 system and the carrier shall be considered a public service company to  
131 the extent such facility is used in the transmission of video  
132 programming directly to subscribers; or (D) a facility of an electric  
133 company which is used solely for operating its electric company  
134 systems. "Community antenna television system" does not include a  
135 facility used by a certified competitive video service provider to  
136 provide video service;

137 (17) "Video programming" means programming provided by, or  
138 generally considered comparable to programming provided by, a  
139 television broadcast station;

140 (18) "Noncable communications service" means any  
141 telecommunications service, as defined in section 16-247a, and which is  
142 not included in the definition of "cable service" in the Communications  
143 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall

144 be construed to affect service which is both authorized and preempted  
145 pursuant to federal law;

146 (19) "Public service motor vehicle" includes all motor vehicles used  
147 for the transportation of passengers for hire;

148 (20) "Motor bus" includes any public service motor vehicle operated  
149 in whole or in part upon any street or highway, by indiscriminately  
150 receiving or discharging passengers, or operated on a regular route or  
151 over any portion thereof, or operated between fixed termini, and any  
152 public service motor vehicle operated over highways within this state  
153 between points outside this state or between points within this state  
154 and points outside this state;

155 (21) "Cogeneration technology" means the use for the generation of  
156 electricity of exhaust steam, waste steam, heat or resultant energy from  
157 an industrial, commercial or manufacturing plant or process, or the use  
158 of exhaust steam, waste steam or heat from a thermal power plant for  
159 an industrial, commercial or manufacturing plant or process, but shall  
160 not include steam or heat developed solely for electrical power  
161 generation;

162 (22) "Renewable fuel resources" means energy sources described in  
163 subdivisions (26) and (27) of this subsection;

164 (23) "Telephone company" means a telecommunications company  
165 that provides one or more noncompetitive or emerging competitive  
166 services, as defined in section 16-247a;

167 (24) "Domestic telephone company" includes any telephone  
168 company which has been chartered by or organized or constituted  
169 within or under the laws of this state;

170 (25) "Telecommunications company" means a person that provides  
171 telecommunications service, as defined in section 16-247a, within the  
172 state, but shall not mean a person that provides only (A) private  
173 telecommunications service, as defined in section 16-247a, (B) the  
174 one-way transmission of video programming or other programming

175 services to subscribers, (C) subscriber interaction, if any, which is  
176 required for the selection of such video programming or other  
177 programming services, (D) the two-way transmission of educational or  
178 instructional programming to a public or private elementary or  
179 secondary school, or a public or independent institution of higher  
180 education, as required by the department pursuant to a community  
181 antenna television company franchise agreement, or provided  
182 pursuant to a contract with such a school or institution which contract  
183 has been filed with the department, or (E) a combination of the services  
184 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

185 (26) "Class I renewable energy source" means (A) energy derived  
186 from solar power, wind power, a fuel cell, methane gas from landfills,  
187 ocean thermal power, wave or tidal power, low emission advanced  
188 renewable energy conversion technologies, a run-of-the-river  
189 hydropower facility provided such facility has a generating capacity of  
190 not more than five megawatts, does not cause an appreciable change in  
191 the river flow, and began operation after July 1, 2003, or a sustainable  
192 biomass facility with an average emission rate of equal to or less than  
193 .075 pounds of nitrogen oxides per million BTU of heat input for the  
194 previous calendar quarter, except that energy derived from a  
195 sustainable biomass facility with a capacity of less than five hundred  
196 kilowatts that began construction before July 1, 2003, may be  
197 considered a Class I renewable energy source, or (B) any electrical  
198 generation, including distributed generation, generated from a Class I  
199 renewable energy source;

200 (27) "Class II renewable energy source" means energy derived from  
201 a trash-to-energy facility, a biomass facility that began operation before  
202 July 1, 1998, provided the average emission rate for such facility is  
203 equal to or less than .2 pounds of nitrogen oxides per million BTU of  
204 heat input for the previous calendar quarter, or a run-of-the-river  
205 hydropower facility provided such facility has a generating capacity of  
206 not more than five megawatts, does not cause an appreciable change in  
207 the riverflow, and began operation prior to July 1, 2003;

208 (28) "Electric distribution services" means the owning, leasing,  
209 maintaining, operating, managing or controlling of poles, wires,  
210 conduits or other fixtures along public highways or streets for the  
211 distribution of electricity, or electric distribution-related services;

212 (29) "Electric distribution company" or "distribution company"  
213 means any person providing electric transmission or distribution  
214 services within the state, including an electric company, subject to  
215 subparagraph (F) of this subdivision, but does not include: (A) A  
216 private power producer, as defined in section 16-243b; (B) a municipal  
217 electric utility established under chapter 101, other than a participating  
218 municipal electric utility; (C) a municipal electric energy cooperative  
219 established under chapter 101a; (D) an electric cooperative established  
220 under chapter 597; (E) any other electric utility owned, leased,  
221 maintained, operated, managed or controlled by any unit of local  
222 government under any general statute or special act; (F) after an  
223 electric company has been unbundled in accordance with the  
224 provisions of section 16-244e of the 2008 supplement to the general  
225 statutes, a generation entity or affiliate of the former electric company;  
226 or (G) an electric supplier;

227 (30) "Electric supplier" means any person, including an electric  
228 aggregator or participating municipal electric utility that is licensed by  
229 the Department of Public Utility Control in accordance with section  
230 16-245, that provides electric generation services to end use customers  
231 in the state using the transmission or distribution facilities of an  
232 electric distribution company, regardless of whether or not such  
233 person takes title to such generation services, but does not include: (A)  
234 A municipal electric utility established under chapter 101, other than a  
235 participating municipal electric utility; (B) a municipal electric energy  
236 cooperative established under chapter 101a; (C) an electric cooperative  
237 established under chapter 597; (D) any other electric utility owned,  
238 leased, maintained, operated, managed or controlled by any unit of  
239 local government under any general statute or special act; or (E) an  
240 electric distribution company in its provision of electric generation  
241 services in accordance with subsection (a) or, prior to January 1, 2004,



242 subsection (c) of section 16-244c of the 2008 supplement to the general  
243 statutes;

244 (31) "Electric aggregator" means (A) a person, municipality or  
245 regional water authority that gathers together electric customers for  
246 the purpose of negotiating the purchase of electric generation services  
247 from an electric supplier, or (B) the Connecticut Resources Recovery  
248 Authority, if it gathers together electric customers for the purpose of  
249 negotiating the purchase of electric generation services from an electric  
250 supplier, provided such person, municipality or authority is not  
251 engaged in the purchase or resale of electric generation services, and  
252 provided further such customers contract for electric generation  
253 services directly with an electric supplier, and may include an electric  
254 cooperative established pursuant to chapter 597;

255 (32) "Electric generation services" means electric energy, electric  
256 capacity or generation-related services;

257 (33) "Electric transmission services" means electric transmission or  
258 transmission-related services;

259 (34) "Generation entity or affiliate" means a corporate affiliate or, as  
260 provided in subdivision (3) of subsection (a) of section 16-244e of the  
261 2008 supplement to the general statutes, a separate division of an  
262 electric company after unbundling has occurred pursuant to section  
263 16-244e of the 2008 supplement to the general statutes, that provides  
264 electric generation services;

265 (35) "Participating municipal electric utility" means a municipal  
266 electric utility established under chapter 101 or any other electric  
267 utility owned, leased, maintained, operated, managed or controlled by  
268 any unit of local government under any general statute or any public  
269 or special act, that is authorized by the department in accordance with  
270 section 16-245c to provide electric generation services to end use  
271 customers outside its service area, as defined in section 16-245c;

272 (36) "Person" means an individual, business, firm, corporation,

273 association, joint stock association, trust, partnership or limited  
274 liability company;

275 (37) "Regional independent system operator" means the "ISO - New  
276 England, Inc.", or its successor organization as approved by the  
277 Federal Energy Regulatory Commission;

278 (38) "Certified telecommunications provider" means a person  
279 certified by the department to provide intrastate telecommunications  
280 services, as defined in section 16-247a, pursuant to sections 16-247f to  
281 16-247h, inclusive;

282 (39) "Gas registrant" means a person registered to sell natural gas  
283 pursuant to section 16-258a;

284 (40) "Customer-side distributed resources" means (A) the generation  
285 of electricity from a unit with a rating of not more than sixty-five  
286 megawatts on the premises of a retail end user within the transmission  
287 and distribution system including, but not limited to, fuel cells,  
288 photovoltaic systems or small wind turbines, or (B) a reduction in the  
289 demand for electricity on the premises of a retail end user in the  
290 distribution system through methods of conservation and load  
291 management, including, but not limited to, peak reduction systems  
292 and demand response systems;

293 (41) "Federally mandated congestion charges" means any cost  
294 approved by the Federal Energy Regulatory Commission as part of  
295 New England Standard Market Design including, but not limited to,  
296 locational marginal pricing, locational installed capacity payments, any  
297 cost approved by the Department of Public Utility Control to reduce  
298 federally mandated congestion charges in accordance with section 7-  
299 233y, this section, sections 16-19ss of the 2008 supplement to the  
300 general statutes, 16-32f of the 2008 supplement to the general statutes,  
301 16-50i, 16-50k of the 2008 supplement to the general statutes, 16-50x of  
302 the 2008 supplement to the general statutes, 16-243i to 16-243q,  
303 inclusive, 16-244c of the 2008 supplement to the general statutes, 16-  
304 244e of the 2008 supplement to the general statutes, 16-245m of the

305 2008 supplement to the general statutes, 16-245n of the 2008  
306 supplement to the general statutes and 16-245z, and section 21 of  
307 public act 05-1 of the June special session\*\* and reliability must run  
308 contracts;

309 (42) "Combined heat and power system" means a system that  
310 produces, from a single source, both electric power and thermal energy  
311 used in any process that results in an aggregate reduction in electricity  
312 use;

313 (43) "Grid-side distributed resources" means the generation of  
314 electricity from a unit with a rating of not more than sixty-five  
315 megawatts that is connected to the transmission or distribution system,  
316 which units may include, but are not limited to, units used primarily to  
317 generate electricity to meet peak demand;

318 (44) "Class III source" means the electricity output from combined  
319 heat and power systems with an operating efficiency level of no less  
320 than fifty per cent that are part of customer-side distributed resources  
321 developed at commercial and industrial facilities in this state on or  
322 after January 1, 2006, a waste heat recovery system installed on or after  
323 April 1, 2007, that produces electrical or thermal energy by capturing  
324 preexisting waste heat or pressure from industrial or commercial  
325 processes, or the electricity savings created in this state from  
326 conservation and load management programs begun on or after  
327 January 1, 2006;

328 (45) "Sustainable biomass" means biomass that is cultivated and  
329 harvested in a sustainable manner. "Sustainable biomass" does not  
330 mean construction and demolition waste, as defined in section 22a-  
331 208x, finished biomass products from sawmills, paper mills or stud  
332 mills, organic refuse fuel derived separately from municipal solid  
333 waste, or biomass from old growth timber stands, except where (A)  
334 such biomass is used in a biomass gasification plant that received  
335 funding prior to May 1, 2006, from the Renewable Energy Investment  
336 Fund established pursuant to section 16-245n of the 2008 supplement  
337 to the general statutes, or (B) the energy derived from such biomass is

338 subject to a long-term power purchase contract pursuant to  
339 subdivision (2) of subsection (j) of section 16-244c of the 2008  
340 supplement to the general statutes entered into prior to May 1, 2006, or  
341 (C) such biomass is used in a renewable energy facility that is certified  
342 as a Class I renewable energy source by the department until such time  
343 as the department certifies that any biomass gasification plan, as  
344 defined in this subsection, is operational and accepting such biomass;

345 (46) "Video service" means video programming services provided  
346 through wireline facilities, a portion of which are located in the public  
347 right-of-way, without regard to delivery technology, including Internet  
348 protocol technology. "Video service" does not include any video  
349 programming provided by a commercial mobile service provider, as  
350 defined in 47 USC 332(d), any video programming provided as part of  
351 community antenna television service in a franchise area as of October  
352 1, 2007, any video programming provided as part of and via a service  
353 that enables users to access content, information, electronic mail or  
354 other services over the public Internet;

355 (47) "Certified competitive video service provider" means an entity  
356 providing video service pursuant to a certificate of video franchise  
357 authority issued by the department in accordance with section 16-331e  
358 of the 2008 supplement to the general statutes. "Certified competitive  
359 video service provider" does not mean an entity issued a certificate of  
360 public convenience and necessity in accordance with section 16-331 of  
361 the 2008 supplement to the general statutes or the affiliates, successors  
362 and assigns of such entity or an entity issued a certificate of cable  
363 franchise authority in accordance with section 16-331p of the 2008  
364 supplement to the general statutes or the affiliates, successors and  
365 assignees of such entity;

366 (48) "Certificate of video franchise authority" means an  
367 authorization issued by the Department of Public Utility Control  
368 conferring the right to an entity or person to own, lease, maintain,  
369 operate, manage or control facilities in, under or over any public  
370 highway to offer video service to any subscribers in the state; [and]

371 (49) "Certificate of cable franchise authority" means an authorization  
372 issued by the Department of Public Utility Control pursuant to section  
373 16-331q of the 2008 supplement to the general statutes conferring the  
374 right to a community antenna television company to own, lease,  
375 maintain, operate, manage or control a community antenna television  
376 system in, under or over any public highway to (A) offer community  
377 antenna television service in a community antenna television  
378 company's designated franchise area, or (B) use the public rights-of-  
379 way to offer video service in a designated franchise area. The  
380 certificate of cable franchise authority shall be issued as an alternative  
381 to a certificate of public convenience and necessity pursuant to section  
382 16-331 of the 2008 supplement to the general statutes and shall only be  
383 available to a community antenna television company under the terms  
384 specified in sections 16-331q to 16-331aa, inclusive; and

385 (50) "Steam transportation company" means any person authorized  
386 under any provision of the general statutes or special act to furnish  
387 heat or air conditioning or both, by means of steam, heated or chilled  
388 water or other medium, to lay and maintain mains, pipes or other  
389 conduits, and to erect such other fixtures necessary or convenient in  
390 and on the streets, highways and public grounds of any municipality  
391 to carry steam, heated or chilled water or other medium from such  
392 plant to the location to be served and to return the same.

393 (b) Notwithstanding any provision of the general statutes, the terms  
394 "utility", "public utility" and "public service company" shall be deemed  
395 to include a community antenna television company and a holder of a  
396 certificate of cable franchise authority, except (1) as otherwise provided  
397 in sections 16-8, 16-27 of the 2008 supplement to the general statutes,  
398 16-28 and 16-43 of the 2008 supplement to the general statutes, (2) that  
399 no provision of the general statutes, including but not limited to, the  
400 provisions of sections 16-6b and 16-19, shall subject a community  
401 antenna television company to regulation as a common carrier or  
402 utility by reason of providing community antenna television service,  
403 other than noncable communications service, as provided in  
404 Subchapter V-A of Chapter 5 of the Communications Act of 1934, 47

405 USC 521 et seq., as amended, and (3) that no provision of the general  
406 statutes, including but not limited to, sections 16-6b and 16-19, shall  
407 apply to community antenna television companies to the extent any  
408 such provision is preempted pursuant to any other provision of the  
409 Communications Act of 1934, 47 USC 151 et seq., as amended, any  
410 other federal act or any regulation adopted thereunder.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	16-1
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**ET**            *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Public Utility Control, Dept.	CC&PUCF - Cost	229,000	235,870

Note: CC&PUCF=Consumer Counsel and Public Utility Control Fund

**Municipal Impact:** None

#### **Explanation**

This bill places steam transportation companies under the jurisdiction of the Department of Public Utility Control (DPUC) as a public service utility company. As steam transportation is outside the subject matter expertise of the DPUC, the agency would need to hire an Utilities Finance Specialist at \$75,000 and a Public Utility Engineer at an annual salary of \$65,000<sup>1</sup> to handle this new responsibility.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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<sup>1</sup> The total fiscal impact of \$229,000 for FY09 includes the base salary, fringe benefits and other expenses associated with a new hire.

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**OLR Bill Analysis****sSB 368*****AN ACT CONCERNING THERMAL ENERGY TRANSPORTATION.*****SUMMARY:**

This bill subjects steam transportation companies to the jurisdiction of the Department of Public Utility Control's (DPUC) as public service companies (utilities). Among others things, public service companies are subject to DPUC rate regulation, must comply with its orders, and are assessed for the costs of the DPUC and the Office of Consumer Counsel.

EFFECTIVE DATE: Upon passage

**DPUC REGULATION OF STEAM TRANSPORTATION COMPANIES**

Under the bill, a steam transportation company is any person authorized under the statutes or a special act to (1) furnish heat, air conditioning, or both by steam, heated or chilled water, or other means; (2) lay and maintain mains, pipes, and other conduits; and (3) erect other fixtures in and on streets, highways, and municipal grounds that are needed for or convenient to carrying the steam or water in a loop from the plant to the company's customers. The Capitol and Legislative Office Building are on such a loop.

By law, public service companies:

1. are subject to DPUC rate regulation;
2. are subject to DPUC regulation of their services, accounting practices, safety, and the conduct of operations;
3. are subject to DPUC audits of their relationships with their holding companies and subsidiaries;



4. are subject to DPUC regulation of transfers of their assets and expansions of their facilities;
5. must comply with DPUC orders and are subject to civil penalties if they do not; and
6. are assessed for the costs of DPUC and the Office of Consumer Counsel.

By law, DPUC can retain consultants when it participates in various federal proceedings, and the affected public service company is assessed for the costs.

**COMMITTEE ACTION**

Energy and Technology Committee

Joint Favorable Substitute

Yea    21    Nay   0    (03/11/2008)